

## **REMARKS/ARGUMENTS**

Claims 91 - 110 are pending. Claims 91 - 110 are rejected. Claims 91, 96, and 101 are amended herein.

As discussed below, all of the claims are in condition for allowance. **But if after considering this response, the Examiner does not allow all of the claims, then the Applicant's agent formally requests that the Examiner contact him to schedule and conduct a telephone interview before issuing a subsequent office action.**

### **Rejection of claims 91-110 under 35 U.S.C. § 103(a) Over Lau et al. (U.S. Patent No. 6,772,212) In View Of Li et al. (U.S. Patent No. 6,345,279)**

#### **Claim 91**

Claim 91 is amended. Claim 91 recites, in part, "...in response to moving the icon from the music item node to the music renderer node, the circuitry invokes a need-to-convert interface of a device plug-in API to receive a Boolean value that determines whether the format of the corresponding music track is compatible with the corresponding music renderer such that the music renderer can render music from the music track, [and] in response to a determination that the format is not compatible with the music renderer, reformats the music track to a format that is compatible with the music renderer..."

For example, the use of a device plug-in API to make a determination of music track compatibility with a music renderer is supported at p. 10, lines 18-22 and FIG. 3, 350.

In contrast, neither Lau nor Li, alone or in combination, disclose or reasonably suggest "invoke[ing] a need-to-convert interface of a device plug-in API to receive a Boolean value that determines whether the format of the corresponding music track is compatible with the corresponding music renderer," as recited by claim 91. Accordingly, Lau and Li, alone and in combination, fail to disclose or reasonably suggest all the limitations of claim 91, and claim 91 is allowable over Lau and Li.

Lau discloses a graphical user interface. Li discloses an approach to transcoding. However, Li approaches transcoding differently and with poorer storage efficiency compared to the recitation of claim 91.

Moreover, claim 91 is allowable over Lau and Li because Lau and Li cannot be combined in the manner proposed by the Examiner.

Li discloses saving media files in an “InfoPyramid” 280, depicted in Li, FIG. 2. “The InfoPyramid 280 can be viewed as a generalization of multi-resolution representations. . . The InfoPyramid 280 is a data structure in which the multiple representations of a multimedia item can be organized into a pyramid-like structure, as illustrated in FIG. 2. The cells of the pyramid correspond to different representations of the objects using different modalities . . . and fidelities such as in the range of full-resolution (bottom of pyramid) to low-resolution (top of pyramid).” [column 4, lines 50 to 66]

Li, FIG. 3 illustrates a flow chart showing adaptation of a multimedia document to a client device. “Content items 120 of a multimedia document 100 are transcoded (250) into multiple modality and fidelity versions to generate a set 340 of InfoPyramids 280.” [column 5, line 67 to column 6, line 2] “A content adaptation process 350 uses the client profile 310 to select from among the InfoPyramids 280 the versions 374 that best satisfy the particular client profile. These selected versions are rendered into a document 370 which is an adaptation (i.e., customization) of the original multimedia document 100. The client device receives the customized document 370.” [column 6, lines 42-48]

Li’s approach to saving multiple fidelities and multiple modalities of multimedia objects apparently results in redundant storage of similar objects at different fidelities. This is counter to a stated embodiment of the present application “the system should automatically transform the music from its form at the source to a format which is required by the destination.” [page 2, lines 19-21]

As the Examiner pointed out, Li does disclose that “such transcoding processes can be done in a “lazy fashion”, i.e., the actual transcoding need not be performed, but rather, only a place holder for the transcoded version can be created and the meta-data filled in. The actual version is generated only if required.” [column 5, lines 22 – 26]

Ignoring what Li might mean with respect to creating a “place holder” and filling in meta-data, Li apparently does not disclose ever removing data from the InfoPyramid. Li discloses copying data from the InfoPyramid, which does not include removing the copied data. At best, Li discloses delaying filling in all the data prior to copying the data to a rendering device.

Moving a file (including deleting the source file) from Li’s “InfoPyramid” would render Li’s invention unsatisfactory for its intended purpose. Li indicates that “the transcoding process 250 populates the InfoPyramid 280 structure with multi-resolution, multi-modal versions of the content item.” [C:5, L:6-8] Li apparently does not contemplate de-populating the InfoPyramid 280.

Moving (in contrast to copying) a file from the InfoPyramid to a playback device would de-populate the InfoPyramid 280. Hence, the recitation of claim 91 would render Li unsatisfactory for its intended purpose of populating the InfoPyramid.

But a modification to a prior art reference that renders the prior art reference unsatisfactory for its intended purpose does not provide suggestion or motivation to make the proposed modification.

In particular, MPEP 2143.01, section V indicates:

**V. THE PROPOSED MODIFICATION CANNOT RENDER THE PRIOR ART UNSATISFACTORY FOR ITS INTENDED PURPOSE**

If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Moreover, MPEP 2143.01 section VI indicates:

**VI. THE PROPOSED MODIFICATION CANNOT CHANGE THE PRINCIPLE OF OPERATION OF A REFERENCE**

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references

are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)

Whether a combination of prior art references anticipate a claim cannot be made individually, but rather the combination must be taken as a whole. Regardless of whether Li or Lau is used to supply the recited function of copying or moving a music track, such function must be considered in view of the combination of prior art references. Since moving (and removing) a resolution/modality of a portion of the InfoPyramid is antithetical to populating the InfoPyramid, the combination renders Li unsatisfactory for its intended purpose of populating the InfoPyramid.

Accordingly, Lau and Li, cannot be combined as proposed by the Examiner to render obvious claim 91, and claim 91 is also allowable over Lau and Li for this additional reason.

#### **Claims 92-95, 102-104**

Claims 92-95 and 102-104 are allowable by virtue of their dependence from claim 91, and for at least the reasons given for claim 91.

#### **Claim 96**

Claim 96 is amended. Claim 96 recites a method including, in part, "...in response to moving the icon from the music item node to the music renderer node, determining whether the format of the music track is compatible with the music renderer such that the music renderer can render music from the music track by using a process including accessing a need-to-convert interface of a device plug-in API to receive a Boolean value corresponding to whether the format of the music track is compatible with the music renderer, [and] in response to a determination that the format is not compatible with the music renderer, transcoding the music track to a corresponding second music track having a format that is compatible with the music renderer..."

Claim 96 is allowable over Lau and Li for reasons similar to those given for claim 91. Namely, Lau and Li, alone and in combination, fail to disclose or reasonably suggest "...accessing a need-to-convert interface of a device plug-in API to receive a Boolean value corresponding to whether the format of the music track is compatible with the music renderer..." as recited by claim 96.

Accordingly, Lau and Li, alone and in combination, fail to disclose or reasonably suggest all the limitations of claim 96, and claim 96 is allowable over Lau and Li.

**Claims 97-100, 105-108**

Claims 97-100 and 105-108 are allowable by virtue of their dependence from claim 96 and for at least the reasons given for claim 96.

**Claim 101**

Claim 101 is amended. Claim 101 recites, in part, a computer-readable storage medium storing a program that, when executed by a computer, causes the computer to “in response to moving the icon from the music item node to the music renderer node, the program causes the computer to: invoke a need-to-convert interface of a device plug-in API to receive a Boolean value to determine whether the format of the corresponding music track is compatible with the corresponding music renderer such that the music renderer can render music from the music track; [and] in response to a determination that the format is not compatible with the music renderer, create a second transcoded music track having a format that is compatible with the music renderer; and move the second transcoded music track to the music renderer...”

Claim 101 is allowable for reasons similar to those given for claims 91 and 96. Lau and Li, alone and in combination, fail to disclose or reasonably suggest all the limitations of claim 101, and claim 101 is allowable over Lau and Li.

**Claims 109-110**

Claims 109-110 are allowable by virtue of their dependence from claim 101 and for at least the reasons given for claim 101.

In the event additional fees are due as a result of this amendment, the Commissioner is hereby authorized to charge any deficiency of fees submitted herewith, or credit any overpayment, to Deposit Account No. 07-1897.

If the Examiner believes that a telephone interview would be helpful, he is respectfully requested to contact the Applicants' agent at (425) 455-5575.

Dated this 22nd day of March, 2010.

Respectfully submitted,

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